



General Assembly

January Session, 2001

Bill No. 6685

LCO No. 3604

Referred to Committee on Environment

Introduced by:

REP. WARD, 86th Dist.

SEN. DELUCA, 32nd Dist.

**AN ACT CONCERNING THE EMERGENCY SPILL RESPONSE
ACCOUNT.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 22a-451 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) Any person, firm or corporation which directly or indirectly
4 causes pollution and contamination of any land or waters of the state
5 or directly or indirectly causes an emergency through the maintenance,
6 discharge, spillage, uncontrolled loss, seepage or filtration of oil or
7 petroleum or chemical liquids or solid, liquid or gaseous products or
8 hazardous wastes or which owns any hazardous wastes deemed by
9 the commissioner to be a potential threat to human health or the
10 environment and removed by the commissioner shall be liable for all
11 costs and expenses incurred in investigating, containing, removing,
12 monitoring or mitigating such pollution and contamination,
13 emergency or hazardous waste, and legal expenses and court costs
14 incurred in such recovery, provided, if such pollution or

15 contamination or emergency was negligently caused, such person, firm
16 or corporation may, at the discretion of the court, be liable for damages
17 equal to one and one-half times the cost and expenses incurred and
18 provided further if such pollution or contamination or emergency was
19 wilfully caused, such person, firm or corporation may, at the discretion
20 of the court, be liable for damages equal to two times the cost and
21 expenses incurred. The costs and expenses of investigating, containing,
22 removing, monitoring or mitigating such pollution, contamination,
23 emergency or hazardous waste shall include, but not be limited to, the
24 administrative cost of such action calculated at ten per cent of the
25 actual cost plus the interest on the actual cost at a rate of ten per cent
26 per year thirty days from the date such costs and expenses were
27 sought from the party responsible for such pollution, contamination or
28 emergency. The costs of recovering any legal expenses and court costs
29 shall be calculated at five per cent of the actual costs, plus interest at a
30 rate of ten per cent per year thirty days from the date such costs were
31 sought from the party responsible for such pollution, contamination or
32 emergency. Upon request of the commissioner, the Attorney General
33 shall bring a civil action to recover all such costs and expenses.

34 (b) If the person, firm or corporation which causes any discharge,
35 spillage, uncontrolled loss, seepage or filtration does not act
36 immediately to contain and remove or mitigate the effects of such
37 discharge, spillage, loss, seepage or filtration to the satisfaction of the
38 commissioner, or if such person, firm or corporation is unknown, and
39 such discharge, spillage, loss, seepage or filtration is not being
40 contained, removed or mitigated by the federal government, a state
41 agency, a municipality or a regional or interstate authority, the
42 commissioner may contract with any person issued a permit pursuant
43 to section 22a-454 to contain and remove or mitigate the effects of such
44 discharge, spillage, loss, seepage or filtration. The commissioner may
45 contract with any person issued a permit pursuant to said section 22a-
46 454 to remove any hazardous waste that [he] the commissioner deems
47 to be a potential threat to human health or the environment.

48 (c) Whenever the commissioner incurs contractual obligations
49 pursuant to subsection (b) of this section and the responsible person,
50 firm or corporation or the federal government does not assume such
51 contractual obligations, the commissioner shall request the Attorney
52 General to bring a civil action pursuant to subsection (a) of this section
53 to recover the costs and expenses of such contractual obligations. If the
54 responsible person, firm or corporation is unknown, the commissioner
55 shall request the federal government to assume such contractual
56 obligations to the extent provided for by the federal Water Pollution
57 Control Act.

58 (d) There is established an account to be known as the emergency
59 spill response account, for the purpose of providing money for (1)
60 costs associated with the implementation of section 22a-449 and
61 chapter 441; (2) the containment and removal or mitigation of the
62 discharge, spillage, uncontrolled loss, seepage or filtration of oil or
63 petroleum or chemical liquids or solid, liquid or gaseous products or
64 hazardous wastes including the state share of payments of the costs of
65 remedial action pursuant to the federal Comprehensive Environmental
66 Response, Compensation, and Liability Act of 1980 (42 USC 9601 et
67 seq.), as amended; (3) provision of potable drinking water pursuant to
68 section 22a-471; (4) completion of the inventory required by section
69 22a-8a; (5) the removal of hazardous wastes that the commissioner
70 deems to be a potential threat to human health or the environment; (6)
71 (A) the provision of short-term potable drinking water pursuant to
72 subdivision (1) of subsection (a) of section 22a-471 and the preparation
73 of an engineering report pursuant to subdivision (2) of subsection (a)
74 of said section when pollution of the groundwaters by pesticides has
75 occurred or can reasonably be expected to occur; (B) the study required
76 by special act 86-44* and (C) as funds allow, education of the public on
77 the proper use and disposal of pesticides and the prevention of
78 pesticide contamination in drinking water supplies; (7) loans and lines
79 of credit made in accordance with the provisions of section 32-23z; (8)
80 the accomplishment of the purposes of sections 22a-133b to 22a-133g,
81 inclusive, and sections 22a-134 to 22a-134d, inclusive, including

82 staffing, and section 22a-133k; (9) development and implementation by
 83 the commissioner of a state-wide aquifer protection program pursuant
 84 to the provisions of sections 19a-37, 22-6c, 22a-354c, 22a-354e, 22a-354g
 85 to 22a-354bb, inclusive, 25-32d, 25-33h, 25-33n and subsection (a) of
 86 section 25-84, including, but not limited to, development of state
 87 regulations for land uses in aquifer protection areas, technical
 88 assistance and educational programs; (10) research on toxic substance
 89 contamination, including research by the Environmental Research
 90 Institute and the Institute of Water Resources at The University of
 91 Connecticut and by the Connecticut Agricultural Experiment Station;
 92 (11) the costs of the commissioner in performing or approving level A
 93 mapping of aquifer protection areas pursuant to this title; and (12)
 94 inventory and evaluation of the farm resource management
 95 requirements of farms in aquifer areas by the eight county soil and
 96 water conservation districts. [The emergency spill response account
 97 shall be an account of the General Fund. On July 1, 1995, any balance
 98 remaining in said account shall be transferred to the resources of the
 99 General Fund, except that beginning July 1, 1996, any amount
 100 appropriated for emergency spill response up to one million dollars
 101 shall not lapse on June thirtieth of the ending fiscal year, but shall
 102 continue to be available for expenditure for such purpose in the next
 103 succeeding fiscal year.] The emergency spill response account shall be
 104 an account of the Environmental Quality Fund. On the effective date of
 105 this act, any balance remaining in said account shall be transferred to
 106 the resources of the Environmental Quality Fund. No expenditures
 107 shall be made from the amount transferred until on or after July 1,
 108 2001.

109 (e) The Commissioner of Environmental Protection shall, annually,
 110 in accordance with section 4-77, submit to the Secretary of the Office of
 111 Policy and Management an operating budget for the emergency spill
 112 response account that provides for the operation of programs funded
 113 from such account. Such annual operating budget shall include an
 114 estimate of revenues from all other sources to meet the estimated
 115 expenditures of the account for such fiscal year. Within thirty days

116 prior to the first day of such fiscal year the Secretary of the Office of
117 Policy and Management shall approve said operating budget, with
118 such changes, amendments, additions and deletions as shall be agreed
119 upon prior to that date by the Commissioner of Environmental
120 Protection and the Secretary of the Office of Policy and Management.

121 Sec. 2. This act shall take effect from its passage.

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]